

## RESOLUTION NO. A-\_\_\_\_\_

## SPECIAL PERMIT NO. 2021

1 WHEREAS, Truax Homes has submitted an application designated as  
2 Special Permit No. 2021 for authority to operate an early childhood care facility for 100  
3 children in an R-T Residential Transition District, with a waiver of the requirement that  
4 facilities with 31 or more children shall have frontage on an arterial street, on property  
5 generally located at South 56th Street and Waltz Road, and legally described to wit:

6 Lot 1, and Outlot A, Country Plaza 2nd Addition, located in  
7 the Northeast Quarter of Section 17, Township 9 North,  
8 Range 7 East of the 6th P.M., Lincoln, Lancaster County,  
9 Nebraska;

10 WHEREAS, the real property adjacent to the area included within the site  
11 plan for this early childhood care facility will not be adversely affected; and

12 WHEREAS, said site plan together with the terms and conditions  
13 hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln  
14 Municipal Code to promote the public health, safety, and general welfare.

15 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
16 Lincoln, Nebraska:

17 That the application of Truax Homes, hereinafter referred to as  
18 "Permittee", to operate an early childhood care facility in the R-T Residential Transition  
19 District, on the property legally described above, be and the same is hereby granted  
20 under the provisions of Section 27.63.070 of the Lincoln Municipal Code upon condition  
21 that construction and operation of said early childhood care facility be in strict

1 compliance with said application, the site plan, and the following additional express  
2 terms, conditions, and requirements:

3 1. This permit approves an early childhood care facility for up to 100  
4 children.

5 2. The requirement of Section 27.63.070 (c) that the facility be located  
6 on an arterial or collector street is hereby waived to allow access from Waltz Road.

7 3. Before receiving building permits for the interior of the building:

8 a. The Permittee must provide documentation regarding the  
9 conservation easement over the outlots shown on the  
10 drawings. If no such easement exists, one must be  
11 established pursuant to Special Permit 1855, Use Permit  
12 138, and according to the notes on the submitted drawings  
13 for this special permit.

14 b. The Permittee must submit an acceptable revised final plan  
15 and five copies thereof.

16 c. The construction plans must conform to the approved plans.

17 d. The Permittee must obtain approval and filing of a plat  
18 showing the building and playground area for the childcare  
19 facility on the same lot.

20 e. The operation and the premises must meet appropriate local  
21 and state licensing requirements, including compliance with  
22 health codes.

23 f. The Permittee must provide an "Emergency Evacuation

Plan” for the approval of the Lincoln-Lancaster County Health and Fire Departments to resolve any safety concerns related for the potential for flooding.

g. The Permittee must submit building plans acceptable to the Building and Safety Department and Fire Department to review for compliance for use as a childcare facility.

4. Before receiving occupancy permits, the Permittee must, pursuant to Special Permit 1855, Use Permit 138, and Sheet 3A (Channel Improvement Layout) submitted by the Permittee, complete the improvements to the Beal Slough channel as shown on Sheet 3A and in compliance with the Beal Slough Basin Stormwater Master Plan.

5. Before occupying the early childhood care facility all development and construction must be in conformance with the approved plans.

6. All privately-owned improvements must be permanently maintained by the Permittee.

7. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

8. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

9. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided,

1     however, said 30-day period may be extended up to six months by administrative  
2     amendment. The City Clerk shall file a copy of the resolution approving the special  
3     permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be  
4     paid in advance by the Permittee.

5                 10.     The site plan as approved with this Resolution voids and  
6     supersedes all previously approved site plans, however, all resolution approving  
7     previous permits remain in force unless specifically amended by this Resolution.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2003:

\_\_\_\_\_  
Mayor